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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

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11 WILLIAM A. SMITH and JOSE)
12 LEMUS,)
13 Plaintiff(s),)
14 v.)
15 PACIFIC GAS AND ELECTRIC)
16 COMPANY,)
Defendant(s).)

No. C07-2126 JSW (BZ)
FIFTH DISCOVERY ORDER

Plaintiffs have filed a motion to compel further responses to their requests for production of documents, set one, numbers 6 and 7. I find no need for further briefing or argument. For the reasons set forth below, plaintiffs' motion is **GRANTED IN PART** and defendant is **HEREBY ORDERED** to provide further responses as follows:

23 1. All documents in response to Request for Production
24 number 6. Pursuant to the holding in Damon v. Fleming
25 Supermarkets Of Florida, Inc., 196 F.3d 1354, 1361 (11th Cir.
26 1999), information contained in the requested materials for
27 all candidates (including each successful candidate) for all
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1 seven IT IS manager positions open in 2005, is relevant for
2 discovery purposes on the issue of whether defendant had a
3 discriminatory animus.

4 Defendant contends that information regarding the other
5 six IT IS manager positions open in 2005 was not covered in
6 the original request. As noted supra, I disagree. During the
7 initial telephone conference regarding this dispute, I
8 instructed plaintiffs to narrow the broad scope of their
9 requests during the meet and confer process. As evidenced by
10 the record before me, plaintiffs have consistently requested
11 this information during the meet and confer process.

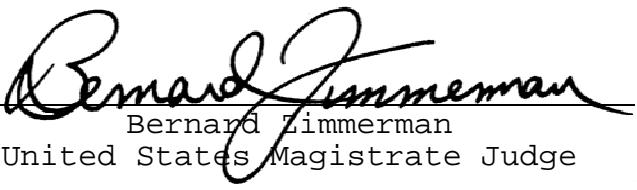
12 2. All documents in response to Request for Production
13 number 7 for job numbers 38854 and 45630. Defendant is not
14 required to produce the requested documents for the positions
15 plaintiff Lemus applied for in 2007 and 2008. If Judge White
16 grants plaintiffs' motion file a supplemental complaint, the
17 information requested regarding those positions would be
18 relevant, and defendant should produce the requested documents
19 at that time.

20 3. Defendant's objections on the grounds of privacy can
21 be addressed by redacting personal information from the
22 documents. (Information regarding age should not be redacted
23 on documents responsive to Request for Production number 6.)
24 The document shall be produced pursuant to an "Attorneys Eyes
25 Only" protective order to further protect the privacy of
26 plaintiffs' co-workers.

27 4. Defendant shall provide the further responses, as set
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1 forth in this order, by no later than **Friday, June 27, 2008**.

2 Dated: June 11, 2008

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4 Bernard Zimmerman
United States Magistrate Judge

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